

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KENDALL GUINN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 04-1529-KAJ
	)	
WARDEN RICK KEARNEY, ET AL.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF**

COME NOW the Defendants, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting Defendants' counsel the right to depose Plaintiff Kendall Guinn ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Sussex Correctional Institution in Georgetown, Delaware.
2. Counsel for the Defendants wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is March 1, 2006.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Kendall Guinn.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

Eileen Kelly, I.D. No. 2884  
Deputy Attorney General  
Carvel State Office Building  
820 North French Street, 6th fl.  
Wilmington, DE 19801  
(302) 577-8400  
Attorney for Defendants

Dated: January 6, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KENDALL GUINN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 04-1529-KAJ
	)	
WARDEN RICK KEARNEY, ET AL.,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATE OF COUNSEL**

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Kendall Guinn is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly  
Eileen Kelly, I.D. No. 2884  
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	)	
Defendants.	)	

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2006,

**WHEREAS**, Defendants having requested leave to depose Plaintiff Kendall Guinn pursuant to Fed. R. Civ. P. 30(a); and

**WHEREAS**, there being good cause shown for the granting of such motion;

**IT IS HEREBY ORDERED**, that State Defendants' Motion for Leave to Depose shall be granted and State Defendants shall have the right to depose Plaintiff Kendall Guinn.

\_\_\_\_\_  
Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2006, I electronically filed *Defendants' Motion For Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on January 6, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Kendall Guinn.

/s/ Eileen Kelly  
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Department of Justice  
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